

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2021-1-E ORDER NO. 2021-40-H

APRIL 5, 2021

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

Annual Review of Base Rates for Fuel Costs of Duke Energy Progress, LLC ("DEP") (For Potential Increase or Decrease in Fuel Adjustment or Gas Adjustment)

MATTER UNDER CONSIDERATION:

Petition to Intervene of Nucor Steel – South Carolina ("Nucor")

CHIEF HEARING OFFICER'S ACTION:

This matter comes before the Chief Hearing Officer on the Petition to Intervene of Nucor Steel – South Carolina.

Under Commission regulation, the Commission must determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that parties filing a Petition to Intervene in a matter pending before the South Carolina Public Service Commission must set forth clearly and concisely:

(a) The facts from which the nature of the petitioner's alleged right or interest can be determined;

(b) The grounds of the proposed intervention;

(c) The position of the petitioner in the proceeding.

If the proposed intervenor has not determined its position at the time of its Petition, it must clearly state that this is the case, and the Commission may take this into consideration in lieu of satisfying the third criterion of the Regulation.

In the present case, Nucor clearly set out the facts from which the nature of the right or interest can be determined and the grounds of the proposed intervention. Nucor owns and operates a steel production facility near Darlington, South Carolina. As a retail customer of Duke Energy Progress, LLC ("DEP") (formerly known as Progress Energy ("Progress Energy")) and Carolina Power & Light Company ("CP&L")), Nucor purchases hundreds of millions of kWh of electricity annually at a cost of millions of dollars per year. Since, according to Nucor, the cost of electricity comprises one of the major costs of Nucor's manufacturing process, electric costs directly affect Nucor's ability to continue to produce steel at a competitive price.

Nucor asserts that it has stake in, and will be directly and substantially affected by, the outcome of this proceeding. Due to the magnitude of its load and its unique service characteristics, Nucor notes that it cannot be adequately represented by any other party to this proceeding. At this early stage in the proceeding, Nucor points out that it has not fully determined what position it may take and how long it will take to complete its presentation and any cross-examination during the public hearing established in this proceeding. Since 1987, Nucor has actively participated in many previous DEP, Progress Energy and CP&L fuel and rate proceedings before this Commission.

Pursuant to these facts, this Hearing Officer holds that CCL and SACE have successfully satisfied the first two criteria for intervention stated in the Commission Regulation. The Petitioners interest in this matter can clearly be discerned, as can the grounds for the intervention. Further, with regard to the third criterion, Nucor has clearly stated that it had not fully determined its position at the time its Petition to Intervene. Satisfaction of the third criterion is waived, pursuant to S.C. Code Ann. Regs. 103-803, since waiver is appropriate in this case, and the waiver is not contrary to the public interest. As previously noted, there are no objections to the intervention. Accordingly, the Petition to Intervene of Nucor Steel – South Carolina is hereby granted in this Docket. This ends the Chief Hearing Officer's Directive.